

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

PERRY M. BLANKENSHIP

Plaintiff

v.

Civil Action No.: 2:04-0458

JO ANNE BARNHART

Commissioner of Social Security

Defendant

MEMORANDUM ORDER AND OPINION

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley made pursuant to the provisions of 28 U.S.C.A. § 636(b)(1)(B) and entered on June 16, 2005, and having reviewed the record in this proceeding; and there being no objections filed by either plaintiff or defendant; it is accordingly ORDERED that:

1. The Proposed Findings and Recommendation of the magistrate judge be, and the same hereby are, adopted by the court;

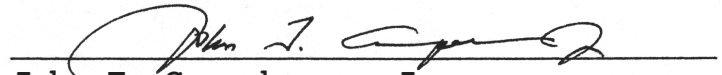
2. The plaintiff's motion for judgment on the pleadings be, and it hereby is, denied;

3. The defendant's motion for judgment on the pleadings be, and it hereby is, granted; and

4. The final decision of the Commissioner be, and the same hereby is, affirmed.

The clerk is directed to forward copies of this written opinion to all counsel of record and the United States Magistrate Judge.

DATED: July 8, 2005



John T. Copenhaver, Jr.
United States District Judge